

MEETING SUMMARY for MERCURY WORK GROUP

Date: July 9, 2003
9:30 am –11:30 am
Location: IGCN
Conference Room D
Indianapolis, IN

Present at the meeting:

Tom Barnett (Ispat Inland Steel), Greg Busch (Heritage Environmental), John Chavez (City of Indianapolis), David Drabenstott (Heritage Environmental), John Fekete (Ispat Inland Steel), Kevin Hoge (NiSource), Tom Neltner (Improving Kids' Environment), Sharon O'Neil (Heritage Environmental).

Participating by way of conference call were Morris Beaton (EPA), Robin Garibay (The Advent Group), Matt Gluckman (EPA), Tim Lohner (AEP), Dave Pfeifer (EPA), Charlotte Read (environmental representative), and Cyndi Wagner (Whittman Hydro Planning Associates). Representing IDEM were John Donnellan, Meredith Kostek, David Parry, Steve Roush, Paula Smith, Bobbi Steiff, Larry Wu, and MaryAnn Stevens.

Acceptance of meeting minutes

The June 11, 2003 meeting minutes with suggested revisions were accepted by the workgroup. The minutes showing the revisions will be sent to the workgroup and posted on the IDEM, Office of Water Quality's Mercury website, a part of the total Triennial Review website.

Distribution List

IDEM will include all names previously left off the distribution list.

Approval of the Workplan

The workplan is to be revised showing Paula Smith and Steve Roush as co-coordinators of the rulemaking and task managers will be removed. The workplan showing the revisions will be sent to the workgroup and posted on the IDEM, Office of Water Quality's Mercury website, a part of the total Triennial Review website.

The document prepared by Steve listing the workgroup's accomplishments is to be revised and resent to the workgroup members.

Representation at the June Steering Committee Meeting

John Fekete gave a report concerning the mercury rulemaking activities that he provided to the June 25th Triennial Steering Committee meeting. IDEM will send minutes of the Triennial Steering Committee meetings when they are available to the mercury workgroup members.

Discussion topics

1. Larry Wu reported on the public participation plan for the individual rulemakings that make up the Triennial Review of water quality standards rulemaking. The main question concerns what is the correct time to involve members of the public. Options being considered include sending an e-mail document about public participation. Approaching the state's academic institutions is

part of the plan although workgroup members questioned this aspect. Over all, the Triennial Steering Committee will handle the broader issues of public participation and settle the timing issues for each of the individual rulemakings.

Charlotte contributed that public participation should provide an explanation of why going through the rulemaking process will benefit human and environmental health.

Tim Lohner stated his belief that public participation should be limited to the variance issues only.

2. Dave Pfeifer spoke about EPA's biological evaluations associated with variances from water quality standards. He emphasized that the consultation process, which is conducted with the Fish and Wildlife Service, gets more complicated as the affected area is enlarged. In other words, for our statewide variance, the entire state will need to be evaluated for biological sensitive species to mercury. New data, for example finding a new species with sensitivity to mercury, triggers the need for a new evaluation. As reported by Dave at earlier meetings, the principal species of concern for mercury in Indiana is the eagle. According to Dave, inland eagles have higher mercury levels and also higher reproductive success (this is attributable to eating more fish).

3. Steve Roush gave a review of the AMSA (Association of Metropolitan Sewerage Agencies) report concerning mercury source control and pollution prevention program evaluation. Steve deems the report to be a good one. The findings report that dental offices and hospitals are the most likely areas for control of mercury and that residences are very hard to control. Pollution control programs have the potential to control mercury from schools with labs. It is incumbent upon the POTW to decide what requirements to place in the sewer use ordinance to restrict discharges of mercury to the municipal sewers. The study example of King County, Washington achieved a measure of successful mercury reduction as a result of dental offices switching from traditional filling materials to amalgams. There also are prepackaged treatment systems for use in dental offices.

Robin Garibay observed that the study indicates the possibility of pollution control programs reducing mercury in direct discharges to come close to the standard but that it takes quite a long time of conducting the control program to evidence the mercury reduction. For example, the Western Lake Superior Sanitary District mercury reduction program has been ongoing for years to achieve the results it has produced.

Paula Smith reminded all that Indiana is not starting from scratch concerning mercury pollution prevention programs for dental offices.

Tom Neltner reviewed the mercury limits as they presently exist in Indiana: within the Great Lakes system the limit is 1.3 ng/l and the remainder of the state is 10.8 ng/l for a four day average. The AMSA report says an effluent with about 7.8 ng/l is achievable.

Discussion occurred concerning whether a variance is needed. Some members of the workgroup were quick to point out that ten to fifteen years of conducting a pollution minimization program were required to achieve the 7.8 ng/l effluent so a variance is needed to cover the time necessary to reduce the mercury in the discharge.

4. Steve Roush broached the question of whether the workgroup was ready to definitively agree that the AMSA report shows that mercury pollution minimization is possible but takes time and

that a rule establishing a statewide variance for mercury is necessary. All workgroup members readily agreed except Charlotte Read who stated she would remain neutral and not oppose a rule for a statewide mercury variance.

5. Charlotte Read asked if any discharger would be given a mixing zone for mercury. John Donnellan stated that beginning January 1, 2004, no mixing zone will be allowed for any BCC whether within or outside the Great Lakes system. The workgroup asked for more information on this.

Next Step

- The workgroup agreed to focus on the framework of the rule at the August meeting and to look at all first notice comments at the September meeting

To Do List

- Steve Roush is to revise the workplan, update the list of accomplishments, and resend them to the workgroup.
- Steve is also to send the workgroup his summary of the AMSA report.
- The draft public participation plan is to be sent to the workgroup.
- Information is to be researched regarding eagles, their reproduction, and mercury levels found in them. Seek information from IDNR and compare with results from Michigan.
- Meredith Kostek is to research the mixing zone issue.
- The workgroup thought there was merit in starting a list of issues and items to be addressed in the mercury variance rule, such as distinctions between: (1) municipal and industrial discharges; (2) small and large municipalities; and (3) inside versus outside the Great Lakes system. Steve is to draft this list.
- Propose a process for drafting rule language including what should be contained in a statewide variance application.
- Provide copies before the next workgroup meeting of the first comment period letters received by July 31, 2003.
- IDEM will include the missing names on the distribution list.
- The minutes for the June 11, 2003 meeting will be revised, resent to the workgroup, and posted on the website.
- When available, the final Triennial Steering Committee minutes of the June 25, 2003 meeting will be sent to the Mercury workgroup.

Next meeting

The next meeting is scheduled for August 7, 2003, from 9:30 to 11:30 A.M., at IGCN, Twelfth Floor, Conference Room D.